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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,057	07/31/2003	Hung The Dinh	AUS920030436US1	3504
34533	7590	05/24/2006	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/631,057

Applicant(s)

DINH ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

Continuation of 3. NOTE: Applicant amended claim 11 as depend to independent claim 7 rather than previously presented (i.e. to independent claim 1). (See the Amended claims pages 2-10)... which the scope of the claim invention as whole, which could further required search/or consideration, since claim 11 were previously examined together with independent claim 1 plus dependent claim 2 and not with independent claim 7, which would changed the claims structured of the invention as whole.


Continuation of 11. does NOT place the application in condition for allowance because: Applicant amended claim 11 as depend to independent claim 7 rather than previously presented (i.e. to independent claim 1). (see the Amended claims pages 2-10)... which the scope of the claim invention as whole, which could further required search/or consideration, since claim 11 were previously examined together with independent claim 1 plus dependent claim 2 and not with independent claim 7, which would changed the claims structured of the invention as whole.

And furthermore, Applicant's arguments filed 05/01/ 2006 have been fully considered but they are not persuasive. The reason is set forth in the final Office Action mailed 02/01/2006 and further view of the following:

Applicant's Remark has revolving the new issues set forth above in item (8), which does not overcome the Conning reference, since the conception and diligence has not been establish, thus the Examiner maintains the Final rejection mailed on 02/01/2006 at least at this time. And furthermore, The examiner respectfully notes that Kirani in combination with Conning fairly teach the claimed invention, in combination with (Conning at page 2 paragraph [0018] through page 9 paragraph [0075), discloses an online photo album (HTML document) system with customizable pages, wherein the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page. Table 3 illustrates the composition of the photo album images table, according to one embodiment of the present invention

Using the broadest interpretation Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein in a document structured by markup elements having attributes would have been an obvious variant of Hypertext Markup Language (HTML) online photo album system with customizable pages (e.g. markup document) with the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page to a person of ordinary skill in the art at the time the invention was made;

Therefore, the Examiner respectfully maintains the rejection of claims 1-31 for the reasons set forth in the Final Rejection and further support above at this time


WILLIAM BASHORE
PRIMARY EXAMINER